

**HSCA Advisory Committee  
DNREC's Lewes Field Office  
901 Pilottown Road  
Lewes, DE 19958  
June 6, 2019  
Draft Meeting Minutes  
10:00 am**

**Attendees:**

Matt Brainard, BrightFields  
Walt Bryan, Walt Bryan Enterprises  
Patty Cannon, Department of State  
Kyle Lampron, Ten Bears  
Philip Micha, Richards, Layton & Finger  
Doug Newton, Partner Engineering & Science  
Doug Seavey, Landmark  
Bill Smith, Environmental Alliance

**Department of Justice:**

Keith Brady

**DNREC:**

Patrick Boettcher  
Eileen Butler  
Liz LaSorte  
Melissa Leckie  
Nicholas Parkinson  
Tim Ratsep  
Qazi Salahuddin  
Lori Spagnolo  
Kristen Thornton  
Sandra Waltz  
Paul Will  
Jill Williams-Hall

**Introductions and Opening Remarks:** Jill Williams-Hall opened the meeting, thanking the participants in attendance for coming and introductions were made.

**Approval of March 5, 2019 Draft Meeting Minutes:** The minutes were unanimously approved with no corrections.

**Division/Department Updates:** Tim Ratsep presented on the recent updates within the Division of Waste & Hazardous Substances (DWHS). Tim is the new Director of DWHS and has realigned the Division, upon the request of Secretary Garvin. The realignment will help utilize and combine resources that may not have been available to each section previously. Three new sections were created; Compliance & Permit, Emergency Response & Strategic Services, and Remediation. Within each section a few subdivisions have been created; Strategic Services, Corrective Action, and Waste Compliance. The Long-Term Stewardship position has been housed under Site Investigation & Restoration and is moving under the Waste Compliance umbrella for consistency. The reorganization will be effective July 1. *(Reorganization Chart can be found in the agenda packet.)*

After July 1 the Division letterhead will change to match the reorganization and the webpage is being redesigned to reflect all of the changes. The webpage will be searchable on a program basis, rather than a section basis which will make the website more user friendly.

Tim announced that Emergency Response currently utilizes ten supplemental responders who will be asked to become seasonal employees. If any current supplemental responders decline the

seasonal request the Division will be looking for seasonal responders that would mainly be on-call after hours and on a weekend rotation. Tim will forward the job description, when it is available, to the committee, if anyone knows anyone that may be interested. These positions will be filled after July 1.

DNREC will also be using a new Electronic Content Management (ECM) system, all incoming documents will be scanned and will be the "Official" State copies. ECM is a purely electronic database and will support DNREC's efforts to go paperless. The Division of Air Quality implemented the change to ECM in January of this year, and DWHS is next to adopt the online system that will go live in July.

- The new ECM system will feed into the Delaware Environmental Navigator (DEN) so the public will have access to the Divisions records.
- Tim noted that DWHS has the most FOIA requests in the State and the requests effect each section of the division in some way. The ECM will help expedite and cut down on the FOIA requests if all of the information is online.

**Q. It was asked if DWHS is moving away from paper submissions?**

*Yes, that is the intent.*

DNREC is also implementing a new timekeeping system, eStar, for all employees, which the State of Delaware has already been utilizing for many Statewide Departments. This change will only effect internal employees. The new eStar system will go live in July.

Due to Tim moving to the Director's position and Alex Rittberg retiring as Administrator in the Tanks Management Section (TMS), the two Program Administrator positions (One in SIRS/One in TMS) have been vacant with rotating acting administrators. Interviews have been conducted for the two positions. Tim's goal is to have the positions filled as soon as possible and will communicate the updates when the positions are filled.

**Q. It was asked how the division's budget will be effected with the realignment?**

*Internally new budget lines are being created and accounting is working on this.*

*HSCA funding will remain the funding for hazardous substances only, per the HSCA law.*

**Q. Will the number of Attorney General's expand with the new realignment?**

*HSCA currently pays for two; however, if others are needed there is funding to hire.*

The Climate & Energy Director will be leaving in July. Once a replacement Director is hired the name will be passed on. The Division of Watershed is moving from the R&R building to the Enterprise building, and will be housed with Emergency Response.

**Q. It was asked if DWHS is looking to move out of the Lukens drive location?**

*Lukens drive is currently in a yearly lease that runs to January 31<sup>st</sup> of each year. DWHS is looking at several different options that would help consolidate the different locations in New Castle County, the new location would need to have the space for the employees, as well as, a garage for the Emergency Response trucks. If anyone knows of a location that may be a good fit, please let Tim know.*

**TMS Updates:** Patrick Boettcher, Acting Program Administrator for Tanks, gave the TMS updates. Michael Seningen is the new Environmental Scientist; Michael has nine years with DuPont. A new Hydrologist will begin on June 24<sup>th</sup>.

**SIRS Updates:** Paul Will, Program Manager for SIRS, gave the SIRS updates. Lou LaSorte is the new Long-Term Stewardship Specialist and is working on getting sites back into compliance. Lou has been instrumental in bringing compliance issues back inline. SIRS is currently in the process of hiring a new Environmental Scientist I, the posting closed on June 3<sup>rd</sup>.

**EDGE Grant:** Patty Cannon, with the Delaware Division of Small Business, informed the committee of the upcoming Encouraging Development, Growth & Expansion (EDGE) Grant. The first round of funding for the grant is June 14<sup>th</sup>. The grants are awarded to small businesses in Delaware whom can receive up to \$50,000/\$100,000 to apply to eligible business expenses. The business has to be in operation less than five years, net assets totaling less than \$500,000, employ ten people or fewer, 51% of employees reside in Delaware, and have not yet received a DE Strategic Fund grant, they would also like to see a creation of a minimum of five jobs; however, that is not in code. Patty noted that Cities, Towns, and Municipalities are not eligible for the grants as they would deplete the funding too quickly. The grants would also assist those that may wish to create a start-up on a certified Brownfield industrial site, the grants try to stay away from residential projects. Patty will have the link forwarded to the committee.

**Legislation:** Three bills have been introduced into legislature, Senate Bill 113 passed the Senate on June 5<sup>th</sup>, and is now on the House floor. The other two bills are currently being assigned numbers and Tim will forward to the committee once they are received.

Tim updated and summarized *Senate Bill 113 An Act to Amend Title 7 of the Delaware Code Relating to the Hazardous Substance Cleanup Act (was also known as the "Sunset Bill")*. Section 1 of the Act has been revised and will take effect January 1, 2021 which provides a 15% cap on administrative cost expenditures and must be based on the average of the moneys deposited into the Fund over a period of the previous 10 fiscal years. An analysis was completed and 10-years was a more workable average than 5-years. The average is taken from the last 10-years total, not year-by-year. The HSCA Fund tax assessment is due to expire on January 1, 2022; Section 2, of the newly approved bill will remove the expiration date to ensure continued funding for the Brownfields Development Program and to address environmental liabilities assumed by the State. The HSCA fund has been depleted over the last few years due to changes in the statute.

Keith Brady spoke regarding the *Act to Amend Chapter 91, Title 7 of the Delaware Code Relating to the Delaware Hazardous Substance Cleanup Act (aka Land Bank Bill)*. The Act will amend the Delaware HSCA to reflect recent amendments to the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) which will protect state, county, and municipal government entities from liability of hazardous substance release sites when taking title or control through the exercise of their lawful governmental powers. This Act also protects land banks when they assume ownership of potentially contaminated properties in accordance with the Land Banking Act. The General Assembly focus is much broader

regarding Hazardous Substances, the focus is similar to Brownfields but broader and encompasses more. There are currently no liability protections and this bill will provide that. The bill has been drafted and has sponsorship and is waiting to be assigned a number. If anyone is interested in the details of land banks they can read Chapter 47 of Title 31 under the subheading housing and slum clearance to improve urban blight.

Keith reviewed the *Act to Amend Title 7 of the Delaware Code Relating to Underground and Aboveground Storage Tanks (aka UST & AST Bill)*. The amendment expands the Delaware Brownfields program, Chapter 91 of Title 7 by providing protection from liability for releases of regulated substances from underground storage tanks and aboveground storage tanks to an approved Brownfields Developer who enters into a Brownfields Development Agreement and meets the requirements of the Brownfields Development Program.  
(All 3 Bills can be found in the agenda packet)

**Draft Brownfield application language:** Jill Williams-Hall has drafted language to include in the Brownfield application that will appear bolded at the beginning of the application and within the Brownfield application that operations ***should not be performed on a certified brownfield site unless there is prior, written consent from DNREC before engaging in such operations.*** All agreed this was a good idea and will have the technical subcommittee review. (Complete Draft language can be found in the agenda packet.)

- **Technical Subcommittee:** No Reports
- **Finance Subcommittee:** No Reports
- **Regulatory Subcommittee:**  
*Underground Storage Tanks (UST) Regulations:* Eileen Butler gave an update on the UST Regulations. The draft regulations have been submitted to the Registrar. The hearing will be held at 6:00 pm on July 23<sup>rd</sup> at Lukens Drive. The regulations will be ready for submittal by October of 2019.
- **Outreach and Education Subcommittee:** No Reports. Christina Wirtz is in the process of revising the Brownfield brochures for each county.
- **Ecological Subcommittee:** Matt Brainard, represented Marian Young, and gave an update on the Green Remediation Committee. The mission of the Delaware Native Species Commission is to reverse the trend of decline and extinction of Delaware's local plant and animal native species. The Commission was formed by the Delaware General Assembly (sponsor is Senator Stephanie Hansen) and is currently working on drafting legislation banning certain invasive plant species from being sold in Delaware. A public education campaign is being planned and a workshop is being discussed for this coming winter in New Castle County.

Marian Young toured North Creek Nurseries in Landenberg, PA to discuss development of a list of tough, drought-resistant, and nice-looking plants for use on redeveloped urban brownfield sites. North Creek is a wholesale native plant propagation nursery, specializing in growing starter plants and plugs of perennials, ornamental grasses, ferns, vines and shrubs with an emphasis on Eastern US native plants. Marian would like to plan a second tour with a larger group of up to 20 people; inviting people from the Eco-Revitalization committee, the larger HSCA Advisory Committee, and New Castle County Land Use. This larger tour is

scheduled for the afternoon of Wednesday, June 26. Marion will email the HSCA Advisory Committee with more details when she receives confirmation. If June 26 does not work another day during the summer can be scheduled.

**New Business:** Jill encouraged participants to attend the Brownfield NJIT workshop on Thursday, June 20<sup>th</sup> from 12:30 pm to 4:30 pm at the R&R building in Dover. The workshop is free, there are 150 seats and 55 have registered as of today. The workshop will include an overview of EPA Grants, Delaware State Brownfield Program, and the Division of Small Business. The workshop will be full of useful Brownfield information. A networking pay-as-you-go event at Grottos Pizza will occur directly after the workshop, beginning at 5:00pm.

**Review of HAC Meetings schedule:** Jill requested feedback from the committee regarding the HAC Meeting schedule. The HAC meetings are currently held four times a year, once each quarter, does the committee want to continue this schedule or should the meetings be held semi-annually, or three a year with one meeting in each county?

- Committee participants responded that they feel four meetings a year is still working, as things tend to come up each quarter that warrants discussions. It was agreed to continue to hold quarterly meetings.

Meeting adjourned 12:25 pm

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